CITY COUNCIL STANDING COMMITTEE **Planning & Development Committee** Wednesday, December 7, 2011 – 6:00 p.m. 1st Fl. Council Conference Room – City Hall

-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Councilor Robert Whynott; Councilor Greg Verga Absent: None.

Also Present: Councilor McGeary; Donna Compton; Jim Hafey; Mark Cole; Councilor Elect Steven LeBlanc

The meeting was called to order at 6:00 p.m. Items were taken out of order.

1. Continued Business

A) SCP2011-009: Main Street #186, GZO Sec. 1.8.3 and Sec. 5.13.7.2 (Cont'd from 11/02/11)

Attorney Edward Pare, representing the applicant New Cingular Wireless PCS, LLC by AT&T Mobility Corporation stated that pursuant to Mr. Sanborn's memo of November 15th, they have revised their plans and addressed each of his comments with respect to the installation on pages A02 and A03 of the newly submitted plans (received at meeting and placed on file two sets of revised 2'x3' plans for Main Street #186 previously submitted to the Building Inspector's office, and also five sets of 11"x17" plans). Sheet A02 on the left-hand side shows a note #2 that all antennas will be a minimum of 90" above the roof line. The majority of the discussion was roof access. Sheet A03 they have proposed to take out the stairway there now and replace with it with a "ship ladder" with a roof hatch and take out the small door. Notes 1-6 they address the lighting issues, the access, the other stairway and putting the radio frequency emission sign on the correct side of the door. He had a late email from Mr. Sanborn the previous evening stating he had reviewed AT&T's revised plans and expressed his satisfaction with them. This is what AT&T intends to do; and the Building Inspector made clear in his email (on file). Mr. Sanborn felt they did a good job by being somewhat creative with the access ways so that it meets code; that they had either met or exceeded the conditions they had discussed at the site visit and subsequent to that at the last P&D meeting. Councilor Ciolino recalled they spoke of the chimney being repointed, in Item #4 of the Building Inspector's memo. Attorney Pare stated they did address that as it is something that the Building Code requires; sheet A02 of the revised plans shows the existing chimney with repointing needed shown in parentheses. He assured the Committee it would be done. They will do that and is part of the building permit process. Councilor Verga pointed out the issue of the chimney would be a part of the conditions of the permit and will be signed off at the time it is completed. Councilor Ciolino commented another carrier is coming forward for a Special Council Permit at the same location; and that they will be keeping tabs on the work to be completed. Councilor Hardy asked about the signage. Attorney Pare stated the sign on the back side of the door will be moved to the front of the door. The rest of the signage was signed off by Dr. Haes. Sheet A03, note #6 enumerates the sign. Councilor Hardy asked about firefighters using a ladder truck to access the roof in the event of a fire and if signs are posted about the rooftop regarding the hazard. Attorney Pare confirmed there were a number of signs, each of the face of the antennas has a radio frequency emission notice posted and Dr. Haes confirmed they were in compliance in his third party Radio Frequency Report. Councilor Ciolino stated that the applicant has met the requirements of Sec. 1.8.3 of the zoning ordinances. The applicant has also complied with the Committee's request to submit remediation plans for the site of the antennas at 186 Main Street which are on file with the Building Inspector and as submitted at this with the City Council. The Building Inspector has acknowledged in writing the receipt of these plans and has stated the applicant has met the Committee's requests for remediation or has exceeded them. He also stated that his office will assure that the plans are constructed as approved and permitted.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant New Cingular Wireless PCS, LLC by AT&T Mobility Corporation a Special Council Permit (SCP2011-01) for an existing Wireless Communications Facility pursuant to GZO Sections 5.13.7.2 and 1.8.3 to install three (3) new panel antennas (one antenna per sector), together with related amplifiers, cables, fiber and other associated antenna equipment including remote radio heads, surge arrestors and global positioning system antennas, for new

network service upgrades with associated electronic equipment within AT&T's equipment room located at 186 Main Street, Gloucester, MA (Assessors Map #8, Lot #70, as shown on the site plan prepared by Bradford A. Mills, PE revised and signed dated December 2, 2011and with additional conditions of the Gloucester Building Inspector as follows:

- 1. That all antennas (including existing) be raised to a minimum of 90" above the roof level;
- 2. That adequate lighting should be installed in stairway from elevator level to roof access;
- 3. That emergency lighting and exit signs are installed in same area;
- 4. That the chimney be repointed and that a structural engineer verifies that the chimney will support the weight and wind load of all antennas placed on it;
- 5. That an engineer or architect design a plan to show improvements to the two sets of stairs leading to the roof access, including the actual access, that conforms to the 2009 International Existing Building Code;
- 6. That signage be placed on doorway leading to roof and on chimney, warning that cell antennas are present; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. Memorandum from Mayor re: establishment of the East Gloucester Cultural District

Karen Ristuben, 4 Bickford Way speaking for the East Gloucester Cultural District stated that this is to create a cultural district and receive that designation from the Mass Cultural Council (MCC) to strengthen the economic engine of the cultural institutions there. It would allow them to form a closer partnership with each other. They are: the North Shore Art Association, the Gloucester Stage Company, the Rocky Neck Art Colony, and The Writer's Center who are the four primary partners and have already begun to form a partnership to move the project forward. They would be in partnership with the City to have the cultural district established through the State. It is a five year designation. They have proposed that the cultural district extend from Niles Beach to Cripple Cove. She showed them a map (submitted and placed on file) identifying 32 sites of historic interest and existing cultural significance which doesn't include the number of artists who live and work in the district in individual studios and galleries. She believed it would be a strong indicator of economic development for the City and for the partners there to work more closely than they have in the past. Things such as shared marketing efforts, shared signage, assistance through the State through different departments which already have buy in to this initiative. They would like to see this designation occur. The City Council has to create the resolution. The City does the application with the Partnership to the State. The Rocky Neck Art Colony will take up the task of doing the application, writing up the paperwork and narrative in collaboration with their partners; doing the mechanics to get it in place with a designee from the City. Councilor Ciolino introduced Bob Whitmarsh of the Downtown Development Committee who is working with the cultural district that is forming in the center of the City and was auditing the proceedings to look at how the downtown may do this as this group is so much further ahead. Ms. Ristuben stated everything is a shared venture and would also communicate with the DDC and the Town of Rockport who is going through the same process. On inquiry by Councilor Ciolino about the five year designation, the reporting requirements and the reapplication for continuation of the designation, Ms. Ristuben stated they're in process of developing the cultural district narrative which has a section requiring them to give benchmarks over the five year period of what they hope to accomplish and have outcomes during that 5 year period to report to the MCC; with whoever is designated by the City. They would develop a website and have a survey for visitors and other metrics they'd put in place for the reporting requirements. Councilor Ciolino asked who would be the City contact. Ms. Ristuben stated it hasn't been decided and didn't know what entity and through what department. As far as they are concerned, as president of the Rocky Neck Art Colony, she would be the primary contact among the partnership. She would work with the City's designee to file the application and working out the partnership terms, etc. Councilor Ciolino brought up the public hearing that is required. He noted this was a public meeting, not a public hearing. That hearing would be at Council and asked would they be applying for grants as the MCC did not have any new funds in 2010 to disburse or have any grants or financial awards for the designation at least in the first year. He believed one of the reasons for a cultural district was to enable them to apply for grants. Ms. Ristuben stated the Art Colony is and will be a volunteer organization and will continue to be. They are used to working for free and will take this on in an unpaid capacity. While, the MCC doesn't have specific designated funding but there are other sources of support; having the buy-in from other state agencies which will support them with marketing, signage. There is some structural support for this. The MCC has other funding programs. The Cultural Facilities Fund is one; both the Stage Company and the Rocky Neck Art Colony will be applying for that funding in the coming year to try to develop their own buildings. The building on Rocky Neck which they will be looking for MCC funding in part would be the administrative center of the cultural district (referring to the former Christian Science Church). That would go hand in hand. Andrew Burgreen, Gloucester Stage Company also present was working with Ms. Ristuben for funding

through the "Our Town" program through the NEA funding partnerships between municipalities and cultural/art programs/projects. Councilor Ciolino, reading from the MCC description stated, "To be eligible for the designation the applicant must be a City or town in Massachusetts. Cultural districts must have well defined boundaries and be walkable and widely accessible. The cultural district must be a geographical area of the city or town that has a concentration of cultural facilities and assets. The City or town must hold a public hearing with adequate notice of public input and pass a resolution making a commitment to establishing a State designated cultural district. The City or town must establish a partnership of stakeholders prior to applying for the designation that will provide oversight and management." Ms. Ristuben stated they must have a partnership agreement with the City and the main cultural partners in the district. Whichever entity is designated for oversight will submit financial statements with the application. If the City was that entity, to assume oversight and management for the beginning of the relationship, it would make sense as cultural partners, there are two cultural districts in play going through the process, possibly three, for the City to maintain oversight for the first year or two would make sense to them, she felt. It would make the application process smoother. They propose considering the City maintaining oversight and management for the first two years and then the Rocky Neck Art Colony would take over for the remainder. Councilor McGeary noted this was a multi-step process; and a key part of that arrangement between the City and the cultural organizations. The focus this evening is on the first step. **Councilor Ciolino** continued, "The City or town participating in the cultural district must have a minimum of two minimum of two signs must be purchased. This may incur some costs." Councilor Whynott asked if being in the cultural district limit property rights for those not interested in participating in the district. While it isn't zoning per se, does it change things. Ms. Ristuben stated the designation as a cultural district doesn't supersede any zoning ordinances. She added Mt. Pleasant Avenue is included in the East Gloucester Cultural District, at the MCC recommendation as historic artistic points of interest such as homes where artists lived and painted from. Councilor Hardy asked for a description of the district metes and bounds for the resolution rather than attaching a map to the resolution. Councilor Verga didn't see a down side to the process and designation. Councilor Ciolino was impressed with the work done to date and looked forward to seeing it come to the Council.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to adopt a resolution that the City of Gloucester make a commitment to establishing a State-designated cultural district pursuant to the East Gloucester Cultural District Partnership's application to the Mass Cultural Council AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

3. Gloucester Fishermen's Athletic Association request for road closures re: Run Gloucester 7 Mile Road Race on 08/19/2012

This matter is continued to January 4, 2012.

4. SCP2011-015: Cleveland Street #33, GZO Sec. 2.3.1(6) Conversion to or new multi-family or apartment Dwelling, three dwelling units

Attorney Catherine Schlichte representing the applicant for a Special Council Permit, Francesco DiMercurio, Jr., who was present, for conversion to a multi-family dwelling consisting of three units. The property already has three units in the dwelling. According to the Assessors records, the third unit started showing up on their records in 2005. She believed the conversion of the third unit was an attempt of the owners at that time to pay their mortgage because shortly thereafter they lost it to foreclosure in 2009. Mr. DiMercurio bought the property in 2009 with the illegal third unit. He is before them attempting to legalize what had already put into the building. The footprint had never changed. The only addition was a set of stairs at the rear of the building for the third unit access. In January 2011 Mr. DiMercurio went before the ZBA and received the dimensional relief that he needed for the multi-family, and are now before them for the Special Council Permit for the three units. The factors to be considered are will this proposed three units use of the property have a adverse affect on the neighborhood taking into consideration the traffic, community needs served, adequacy of public utilities, the six factors under Sec. 1.8.3 of the Gloucester Zoning Ordinances, quality of the environment, and potential fiscal impact. This is an R-5 district, high density residential. Most of the houses on the street are multi-family dwellings. She noted the aerial view of the structure (on file) showed six buildings on the same block that are the same size. She pointed out the parking on the side of the building that can hold four cars if they park in tandem, side by side; but legally can only hold two, although one tenant parks on the street which did not seem to be a problem. The feedback from the neighbors has been positive as the building has been fully renovated and has operated very smoothly for the last several years. They felt this was in keeping with the neighborhood, all the other multi-family homes there. It provides another affordable housing unit in downtown Gloucester and a bit more tax money for the City. Councilor Verga commented the third floor was never previously rented. He had been in the building a number of times and had seen an unfinished third floor when it was in short sale for foreclosure. The bank took it; and sold it to an investor. It was his understanding the investor who bought it after the foreclosure put in the third unit by finishing the third floor and did so illegally. It was sold as a two-family dwelling. Attorney Schlichte confirmed the property had been financed as a two family. The picture in the Assessors office shows the front door with three mailboxes and a note saying "denied entry". She didn't know if they had gained access to the inside of the building to actually see it. The unit was rented when Mr. DiMercurio purchased the property. Mr. DiMercurio purchased the property from the investor. The applicant lives on the third floor. He did not convert the unit. When the building was purchased Mr. DiMercurio knew the third unit wasn't legal and would now like to legalize it. On inquiry by Councilor Ciolino, Attorney Schlichte stated the ZBA gave them relief on the parking. The front door is one egress; and a door on the side on Sylvan Street a second egress, and on the rear of the structure is a set of external stairs. The units meet code now with the egresses. It is completely signed off. Councilor Whynott expressed his familiarity with the area and believed the building to be in character with the neighborhood. Attorney Schlichte added at the ZBA meeting where several neighbors were there who upon hearing that there would be no change to the footprint or exterior to the building expressed their support of Mr. DiMercurio and the property. Councilor Verga expressed his support of the application. Councilor Ciolino stated that the requirements of Sec. 1.8.3 of the Zoning Ordinance have been met and that he can recommend this application to the City Council. He confirmed that the information on the application was correct and that it was signed off by the Building Inspector and the Planning Director. He felt the addition of a third unit is appropriate in older homes such as this which is a greener option than taking open space and disturbing the environment; parking and egress is fine. Councilor Whynott also expressed his support of the application.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit (SCP2011-015) to Francesco DiMercurio, Jr. to convert an existing two unit multi-family dwelling located at Cleveland Street #33, (Assessors Map 34, Lot 54) zoned R-5 (High Density Residential), pursuant to §1.8.3 and §2.3.1.6, to a three unit multi-family and as shown on Plot Plan of Land, 33 Cleveland Street, Gloucester drawn up by Gail L. Smith PLS, North Shore Survey Corporation, Salem, MA dated 4/1/10; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

5. SCP2011-016: River Road #23, GZO Sec. 5.5.4 (Lowlands)

Attorney Philip G. Lake, Ipswich, MA representing William C. S. and Jane M. Remsen for a Lowlands Permit for their property at 23 River Road explained this property has a seawall that is lower than seawalls on adjacent properties and is below the 10 ft. level. They would put an 18 inch course of granite on top of it to raise it. This permit will allow them to increase the height of the seawall to bring it up to 11 ft. so water doesn't flood the property during high tide events and storms and be consistent with the other properties on either side so that water doesn't run onto this property and causing issues with silt washing off of it into the cove. As part of that the building will be taken down, excavated and a filtration barrier put in place for water to flow in and out without removing fine materials that are below the foundation out into Lobster Cove. The house would be rebuilt substantially in the same foundation and put back together again on the same footprint. He reviewed that the applicants had been through ConCom and the ZBA, receiving their Order of Conditions and variances. It was noted there was a float and ramp with the property that already existed. He gave the Committee 11" x 17" plots of the property (received and on file) dated 10/24/11 which were submitted with their c. 91 application. For the City Council hearing their engineer will blow them up to 2' x 3' size. He also explained that the views of the property submitted with the application were to give a sense of the neighborhood and to show the property will be inconformity with its surrounding neighbors. They also have their c. 91 license; and he submitted the DEP c. 91 Determination dated October 4, 2011 to the Committee which was placed on file. Councilor Ciolino questioned that the lowlands permit was just for the structure and the seawall but not for a float and ramp that shows on the plot outline just submitted noted on it as an existing float and ramp. Attorney Lake stated there is an existing float and ramp which would remain and are seasonal. Councilor Ciolino thought if it was there it must have been permitted before to which the attorney commented that was right; and further the Councilor contended that ConCom would have caught that. Councilor Whynott confirmed the float already existed and they're not changing it at all and are changing the building and the seawall which Attorney Lake stated was the case. Councilor Ciolino stated the

applicant has demonstrated that the proposed building will not pose a hazard to the health or safety of the occupants thereof; that the requirements of the Wetlands Protection Act have been satisfied as demonstrated by the Conservation Commission's issuance of an order of conditions and that the project will be executed in compliance with conditions proposed by the shellfish constable; and therefore will be executed so as to conserve the shellfish and other wildlife resources of the City. The applicant has shown to have met the conditions in Sec. 1.8.3 and is in harmony with the intent of the ordinance.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit (SCP2011-016) to William C.S. and Jane M. Remsen for a Lowlands Permit pursuant to Sections 5.5.2 and 5.5.4 of the Gloucester Zoning Ordinances for the property located at River Road #23 as shown on Assessors Map 118, Lot 13 to authorize the issuance of a building permit to construct on land less than 100 feet elevation, to remove and rebuild the single family residence, to rebuild the perimeter granite seawall at ground level above 10 feet elevation and as shown on plans drawn up by John P. Judd, PE, "Plan accompanying petition of: William Remsen, 23 River Rd., Gloucester, MA dated 10/24/11 and is in harmony with the general purpose and intent of the ordinance AND TO ADVERTISE FOR PUBLIC HEARING.

6. SCP2011-017: Atlantic Street #63, GZO Sec. 5.5.4 (Lowlands)

Richard Foster, Atlantic Street #63 and 13 Hill Top Road, Plaistow, NH stated he owns the house directly across the street from this address and has made his application for his lowlands permit in order to install a new 220 ft. pier over marshland on the property. When he bought the property there was an Order of Condition from the City. There were already floats on this property. The City owned the property for quite a while. There are 23 easement holders across the marsh. According to the applicant, at different times, folks did what they wanted up until 2005 when a large float system was put in. That is when the City decided they wanted an upgrade to help the marsh. On inquiry by Councilor Ciolino, Mr. Foster stated there is a removal order for a float that is there now. When he purchased the property he was supposed to take care of the old walkway and floats. He had removed them last year as it was unsafe. Some of the residents without permitting put out a small float which was removed. Mr. Foster expressed that would never be that way going forward. Now there can be nothing left on the mud or marsh and must all be above ground. Any boat must be above the mud, even the float has to be raised above the mud. Since he bought the property he made known he would sell the property back to the neighborhood but they have yet to come forward. He would allow one dinghy left on the float for however the neighborhood wished to use it. There are two moorings now on the marsh and it was his understanding they are to be moved further out towards the river. They would make some arrangements for kayaks in racks further up toward the road. There is water at half tide, three hours either side of high tide. The easements are still in place. Councilor Whynott and Mr. Foster discussed the issues with the easements and how many boats can be left on a float. Councilor Verga stated the City took the property in tax title in the early 1970's. The applicant bought it in May 2010. There is still pending legal action regarding the property. The Councilor noted it is a neighborhood dispute and not the City. Mr. Foster stated he's never disputed the easements. Councilor Verga stated the walkway is for the use of the easement holders. Mr. Foster reiterated they could put out one dinghy; and it could be used by the easement holders. There was a further discussion also of several moorings that would be moved out further into the river. Mr. Foster commented that it is also an insurance issue that no more than one dinghy be kept on the float for use. Councilor Ciolino stated that the applicant has demonstrated that the proposed walkway and pier will not pose a hazard to the public health or safety; that it complies with the requirements of the Wetlands Protection Act as demonstrated by the Order of Conditions and Superseding Order of Conditions issued by the Department of Environmental Protection and that the project will be executed so as to conserve shellfish and other wildlife. The applicant has also met the conditions of Sec. 1.8.3 of the Gloucester Zoning Ordinances.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit (SCP2011-017) to Richard Foster for the property located at Atlantic Street #63 pursuant to Sections 5.5.2 and 5.5.4 of the Gloucester Zoning Ordinances as shown on Assessors Map #246, Lot 50 to authorize the issuance of a building permit to construct a 220 foot walkway over marshland, a ramp and ramp leading to a 16 foot by 24 foot float and as shown on plans entitled Sketch Plan Elevated Ramp and Float Configuration drawn up by Vernon J. LeBlanc, PLS, LeBlanc Survey Associates, Inc., Danvers, MA dated July 13, 2010;

and is in harmony with the general purpose and intent of the ordinance AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

7. Renewal of Special Permit pursuant to MGL c. 48, §56 & GCO Sec. 22-153 re: Richard Pratt Outdoor Parking Permit at 2 Beachland Avenue

This matter is continued to the first regularly scheduled meeting of the Committee to May 2012.

8. Renewal of Special Permit pursuant to MGL c. 48, §56 & GCO Sec. 22-153 re: Antonio Procaccini Outdoor Parking Permit at Long Beach Road

This matter is continued to January 18, 2012.

9. Review and recommendations for the disposition of real property for the Good Harbor and Wingaersheek Beach Concessions

This matter is continued to January 4, 2012.

10. Review & Recommendations for Disposition of Real Property: Maplewood School

Donna Compton, Purchasing Agent stated that the Administration wishes to put this RFP forward for 12 one bedroom elderly affordable housing units with a minimum bid of \$250,000. Councilor Whynott asked for confirmation that this would not just be affordable housing but elderly affordable housing or was the elderly housing something that was just suggested. Ms. Compton stated that is just a suggested use. Councilor Hardy confirmed with Ms. Compton that elderly housing was specified. The Councilor noted zoning there is parking one vehicle for each unit and asked if there was enough parking for 12 units on the property which Ms. Compton stated they can. Councilor Ciolino commented no plans had come forward and believed it was 1.5 parking spaces per unit which had been the issue previously with this particular property. Councilor Verga added they would need 18 parking spaces, technically speaking. Jim Hafey, Facilities Manager stated that it is one car to one unit and that it appeared there was enough space for the 12 parking spaces necessary. Councilor Ciolino noted regardless the property once purchased would have to go through the permitting process. They're just putting it up for sale. The last time the property went out to bid it was a minimum of \$350,000. Councilor Verga recalled the first time it went under agreement it was for \$700,000. He stated also the money was supposed to go into the Stabilization Fund when received in, which Ms. Compton stated it was also her understanding. Councilor Hardy commented this was not pre-permitted. On inquiry by Councilor Hardy, Councilor Verga confirmed in 2002 the School Committee declared the school surplus. Councilor Whynott thought the option of elderly housing would be the least disturbing option for the neighborhood, especially all one bedroom units.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council the Request for Proposal #12104 Disposition by Sale of Maplewood Avenue, #120 also known as the Maplewood School pursuant to the terms and conditions as stated therein as submitted by the Administration.

Councilor Ciolino stated that Councilor Curcuru has withdrawn his order for the naming of Pantry Way.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga the Planning & Development Committee voted 3 in favor, 0 opposed to withdraw the request for the proposed street naming for Pantry Way through a Memorandum from the Engineering Department in the Mayor's Report referred to P&D May 24, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:12 p.m.

Respectfully submitted,

Dana C. Jorgensson Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Two sets of 2' x 3' Revised Plans dated 12/2/11 and five sets of 11" x 17" of the same plans for Main Street #186 by Attorney Edward Pare
- Line Drawing Map of the Proposed East Gloucester Cultural District by Karen Ristuben
- DEP c. 91 License Determination dated 4 October 2011 and five sets of 11" x 17" lot plans for River Road #23 by Attorney Phillip Lake